

## ERLANGER LAW FIRM PLLC

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Hon. Colleen McMahon, U.S.D.J.  
U.S. District Court for the  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Alhovsky v. Ryan  
07 Civ. 7628(CM)(DFE)

## MEMO ENDORSED

Dear Judge McMahon:

I represent plaintiff Alex Alhovsky. Defendant City of New York served its Rule 56.1 papers on May 1; it had several months to prepare. During May 5-9, I was engaged at trial in the New York Supreme Court. Under the Court's February 6, 2008 Order governing the timing of the City's motion, plaintiff was granted 20 business days to respond and the City five business days to reply. Plaintiff respectfully requests that he be permitted to serve his opposition papers no later than June 9, and accordingly, the City's reply would be due June 16. The City has consented to this request.

Plaintiff also respectfully requests that he be granted leave to file a Second Amended Complaint to substitute named plaintiffs "New York City Police Department Officers 1-10" with NYPD Officers Sgt. Panuccio, Parul, Moranzani, and Gaven and "New York City Police Detectives "1-5" with NYPD Detectives Jose Alonzo and Goetz, as to his First Claim for Relief (section 1983 claims). The City's document production indicates that all of the foregoing were involved in plaintiff's arrest and detention. Otherwise, plaintiff would be compelled to file another complaint against those officers with the very same allegations that have already been made here. As the operative event occurred on June 28, 2006, section 1983 allegations against the above officers would be well within the three-year limitations period. See Murphy v. Lynn, 53 F.3d 547, 548 (2d Cir. 1995).

This is the first request that plaintiff has made for an extension of time. Plaintiff requests that your Honor "so order" this letter.

Respectfully submitted,

Robert K. Erlanger

cc: Suzette Rivera, Asst. Corp. Counsel (by fax)

5/14/2008  
OK as to  
both requests  
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